IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 29226 of 1997

Between:

N.Kodanda Rami Reddi, s/o N.Masthan Reddy, aged 63 years, Pothireddypalem, Kovur Mandal, Nellore District.

..... PETITIONER

AND

1. The Member Secretary, A.P.State Electricity Board, Vidyut Soudha, Hyderabad.
2. The Chief Engineer, A.P.S.E.Board, Nellore Zone, Vidyut Bhavan, Nellore.
3. The Superintending Engineer (Assessments), A.P.S.Electricity Board, Kadapa.
4. The Assistant Divisional Engineer (Operation), A.P.State Electricity Board, Kovur, Nellore.
5. The Assistant Accounts Officer, Electricity Revenue Office, Kovur, Nellore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Certiorari calling for records relating to the proceedings of the second respondent Lr.NO.CEE.NZ.NLR.Coml.F.DOC.D.No.2361/97, dt.07.08.1997 confirming the orders of the 3rd respondent SE/A/CDP/FAO/D.KUL/PF.6/96-97/D.No.24/97, dt.21.04.1997 and to quash the same.

Counsel for the Petitioner: MR.C.V.NAGARJUNA REDDY
Counsel for the Respondents: SMT.M.VINOBHA DEVI

The Court made the following:

ORDER:

Heard the learned counsel for the petitioner and Smt.M.Vinobha Devi, the learned Standing Counsel appearing for the respondents.

The petitioner, who is running a poultry farm, seeks to assail the impugned assessment orders passed by the third respondent herein on 21.04.1997 as confirmed by the orders of the second respondent dated 07.08.1997.

The case of the petitioner in brief is that in pursuance of the inspection conducted on 11.12.1996, initially a provisional assessment was made on 26.12.1996 at Rs.1,18,449/-. The petitioner had filed his explanation on 21.04.1997 and ultimately final assessment was made on 07.08.1997 confirming the same.

The learned counsel for the petitioner submits that having regard to the nature of the allegations, there is absolutely no justification for levying such higher amounts in the assessment. Further, there was also no proper enquiry.

Having regard to the submissions made on either side and also on perusal of the material, it is seen that the inspection was conducted as long back as on 11.12.1996 and the petitioner has already deposited 50% of the amount i.e., Rs.59,224.50 ps. Taking into consideration the said deposit and the facts and circumstances of the case, it would suffice in the interest of justice to reduce the

assessment amount to 50% of the final assessment.

The writ petition is accordingly allowed in part reducing the amount as demanded now in the impugned order to the extent of the amount which has already been deposited by the petitioner. No costs.

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09.12.2004

VGB

That Rule nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday, The Ninth Day of December, Two Thousand and Four.

To

1. The Member Secretary, A.P.State Electricity Board, Vidyut Soudha, Hyderabad.
2. The Chief Engineer, A.P.S.E.Board, Nellore Zone, Vidyut Bhavan, Nellore.
3. The Superintending Engineer (Assessments), A.P.S.Electricity Board, Kadapa.
4. The Assistant Divisional Engineer (Operation), A.P.State Electricity Board, Kovur, Nellore.
5. The Assistant Accounts Officer, Electricity Revenue Office, Kovur, Nellore.
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